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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/025,395	02/18/1998	NILS R.C. RYDBECK	P-4015.100	9530

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EXAMINER

MOORE, JAMES K

ART UNIT	PAPER NUMBER
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2686

27

DATE MAILED: 11/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/025,395

Applicant(s)

RYDBECK ET AL.

Examiner

James K Moore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 and 20-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-13 and 17-19 is/are rejected.
- 7) ☒ Claim(s) 14-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 May 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 17 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 recites the limitation "the memories" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 19 recites the limitation "said output" in line 3. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis (U.S. Patent No. 6,243,596).

Regarding claim 11, Kikinis discloses a cellular telephone having an entertainment module (battery pack adaptor 100) for playing pre-recorded audio and video signals. See col. 14, line 64 through col. 15, line 21; col. 16, lines 38-61; col. 17,

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lines 8-15. It is inherent that the telephone comprises a transceiver for transmitting and receiving audio and data signals (which are downloaded from the Internet), and a first microprocessor for controlling the operation of the transceiver (such as initiating and receiving calls). See col. 16, line 62 through col. 17, line 8. The telephone also comprises a signal processor circuit (A/D converter) operatively connected to the transceiver and first microprocessor for processing signals transmitted and received by the transceiver. See col. 19, lines 9-17. The telephone also comprises an entertainment module (battery pack adaptor 100) with a computer memory (RAM 403) operatively connected to a second microprocessor (CPU 401) and the signal processing circuits for storing audio and video signals for subsequent playback under the control of the second microprocessor. See Figure 12 and col. 18, lines 39-50.

In the example of the invention disclosed by Kikinis, the first microprocessor for controlling the operation of the transceiver is separate from the second microprocessor for controlling the playback of the audio and video signals. However, Kikinis also discloses that the entertainment module circuitry may be integrated with the generic circuitry of the cellular phone. See col. 19, lines 30-35. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kikinis, such that the first and second microprocessors are integrated into a single microprocessor, in order to reduce the number of components in the cellular phone and thereby reduce cost.

Regarding claim 12, Kikinis teaches all of the limitations of claim 11, and also discloses that the memory comprises an erasable and programmable memory (RAM) for storing and playing audio and video signals. See col. 18, lines 39-50.

Regarding claim 13, Kikinis teaches all of the limitations of claim 12, and also discloses that the RAM has an input for downloading and storing audio and video signals into the RAM. See col. 18, lines 39-50.

5. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis in view of Tuoriniemi et al. (U.S. Patent No. 5,978,689).

Regarding claim 17, Kikinis teaches all of the limitations of claim 12, and also discloses that the erasable and programmable memory is coupled to a speaker for audio output. See col. 2, lines 62-67. Kikinis does not teach that the erasable and programmable memory is coupled to a headset port in the cellular telephone, thereby permitting audio signals to be directed from the memory to a headset coupled to the cellular telephone via the headset port.

Tuoriniemi discloses a cellular telephone (22) that outputs audio signals. The source of the audio signals (audio device 68) is coupled to a headset port (28) in the cellular telephone, thereby permitting audio signals to be directed from the source to a headset (10) coupled to the cellular telephone via the headset port. By directing the audio signals to a headset, a user may listen to the audio without bothering other people. See col. 4, lines 8-24, and col. 5, line 40 through col. 6, line 54. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kikinis with Tuoriniemi, such that the erasable and programmable memory is coupled to a headset port in the cellular telephone, thereby permitting audio signals to be directed

from the memory to a headset coupled to the cellular telephone via the headset port, in order to allow a user to listen to the audio without bothering other people.

Regarding claim 18, Kikinis teaches all of the limitations of claim 12, but does not teach that the microprocessor is pre-programmed to preempt output from the erasable and programmable memory in response to an incoming call or the initiation of an outgoing call.

Tuoriniemi discloses a cellular telephone (22) that outputs audio signals. The telephone comprises a microprocessor (49) which is pre-programmed to preempt output from a source of the audio signals (audio device 68) in response to an incoming call or the initiation of an outgoing call. This allows the user to use the call functions of the telephone when needed. See col. 5, line 41 through col. 6, line 36. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kikinis with Tuoriniemi, such that the microprocessor is pre-programmed to preempt output from the erasable and programmable memory in response to an incoming call or the initiation of an outgoing call, in order to allow the user to use the call functions of the telephone when needed.

6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis in view of Tuoriniemi and Chin (U.S. Patent No. 5,661,788).

Regarding claim 19, Kikinis teaches all of the limitations of claim 12, but does not teach that the telephone includes a screening memory in communication with the microprocessor for storing a list of preferred callers, or that an output from the erasable

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and programmable memory is not preempted in response to an incoming call unless the incoming call is from a caller on the list of preferred callers.

Tuoriniemi discloses a cellular telephone (22) that outputs audio signals. The telephone preempts output from a source of the audio signals (audio device 68) in response to incoming calls. This allows the user to receive calls when listening to the audio. See col. 5, line 41 through col. 6, line 36. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kikinis with Tuoriniemi, such that the telephone preempts an output from the erasable and programmable memory in response to an incoming call, in order to allow the user to receive calls when listening to the audio.

Chin discloses a cellular telephone including a screening memory (112). The telephone provides notification to the user of an incoming call only when the incoming call is from a caller on a list of preferred callers in the screening memory. This allows a user to screen their calls. See Abstract. It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the combination of Kikinis and Tuoriniemi with Chin, such that the user is provided notification of an incoming call only when the incoming call is from a caller on a list of preferred callers in a screening memory, and the audio output is thereby preempted only when the caller is a preferred caller, in order to allow a user to screen their calls.

***Allowable Subject Matter***

7. Claims 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

The present invention is directed to a cellular telephone having an entertainment module for playing pre-recorded audio and video signals. The entertainment module includes a first memory which is programmable and erasable.

Claim 15 identifies the uniquely distinct feature "wherein the entertainment modules includes... a second permanent memory having pre-recorded audio and video signals stored therein."

The closest prior art, Kikinis, discloses a cellular telephone having an entertainment module for playing pre-recorded audio and video signals. The entertainment module includes a first memory which is programmable and erasable. However, Kikinis fails to anticipate or render the above underlined limitations obvious.

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken Moore, whose telephone number is (703) 308-



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6042. The examiner can normally be reached on Monday-Friday from 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold, can be reached at (703) 305-4379.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ken Moore

10/21/03

JKM

*Marsha D Banks-Harold*

MARSHA D. BANKS-HAROLD  
SUPERVISORY PATENT EXAMINER  
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